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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/884,660	06/19/2001	Peter K. Chow	F1018/2006P	4498
7590	11/28/2005		EXAMINER	
Kelly K Kordzik Winstead Sechrest & Minick PC P O Box 50784 Dallas, TX 75201			CHANG, RICHARD	
			ART UNIT	PAPER NUMBER
			2663	

DATE MAILED: 11/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/884,660	Applicant(s) CHOW ET AL.	
	Examiner Richard Chang	Art Unit 2663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 September 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-25 is/are allowed.
- 6) ☒ Claim(s) 1 and 8 is/are rejected.
- 7) ☒ Claim(s) 2-7 and 9-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/19/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 09/06/2005 have been fully considered but they are not persuasive. Examiner does not withdraw the anticipated rejection to Holloway.

The following comments fully address applicant's argument with respect to the rejection.

In response to applicant's argument A) for lack of motivation for modifying Holloway to include an HPNA chip, Holloway teaches all the functions of HPNA interface requirement (See Fig. 3, Col 2, lines 36-39), which perform the same functions of an HPNA chip for the basis of B) below.

In response to applicant's argument B) that In re Larson does not support Holloway to include an HPNA chip, it would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate HPNA interface (46b) functions into a single chip integral form to perform the same functions which is merely a matter of obvious engineering choice since it has been held by In re Larson, 340 F.2d 965, 968. 144 USPQ 347, 349 (CCPA 1965).

In response to applicant's argument C):

The limitation of that Holloway does not teach or suggest "a host Ethernet media controller and an HPNA chip", Holloway further teaches that the DOCSIS compliant WAN Interface (52) performs the MAC function connecting the HPNA interface (50) (See Fig. 3, Col 2, lines 36-39), thus teaches all the functions for "a host Ethernet media controller and an HPNA chip".

The limitation of that Holloway does not teach or suggest "wherein control frame and data frame pairs are transferred between the host Ethernet media access controller (MAC) and the HPNA chip" and "sending a null frame from the host Ethernet MAC to the HPNA chip prior to the data frame". Holloway further teaches that the control frame (SP packet) and data frame (voice packets) pairs are transferred between the WAN I/F MAC and the HPNA interface (50) and the SP packet is a control frame to maintain frame synchronization for voice packet in the frame and the SP packet is always positioned in front of the voice frame position in timing (pair relation) to indicate the next packet is the voice packet, thus maintain synchronization between the control frame and the data frame (See Fig. 17, Col 8, lines 22-49), thus teaches all the functions for "wherein control frame and data frame pairs are transferred between the host Ethernet media access controller (MAC) and the HPNA chip" and "sending a null frame from the host Ethernet MAC to the HPNA chip prior to the data frame".

The limitation of that Holloway does not teach or suggest "recognizing the null frame on the HPNA chip as an indication that a next received frame will be the data frame, thereby maintaining synchronization between the control frame and the data frame pairs" and the application discloses that the null frame (140) is a control frame (See page 6, lines 6-7), thus the limitation is taught for the same rationale discussed above.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over US patent No. 6, 747,996 ("Holloway et al.").

Regarding claims 1 and 8, Holloway et al. teach a method and system for providing synchronized transport across a HPNA network (A method and system for maintaining synchronization in a home network) that includes a gateway (50) with WAN interface (52) (as a host Ethernet media controller) and a HPNA interface (46b) (as a HPNA chip) (See Fig. 3, Col 2, lines 36-39),

where synchronization protocol packet (SP packet as control frame) and voice packet (data frame) pairs are transferred between the WAN interface (52) (host Ethernet media access controller MAC) and the HPNA interface (46b) (HPN9A chip) (See Fig. 17, Col. 3, lines 11-13) comprising

(a) sending a SP packet (null frame) from the gateway WAN interface (host Ethernet MAC) to the HPNA interface (HPNA chip) prior to the voice packet (data frame), and

(b) recognizing the order wherein the SP packet (null control frame) on the HPNA interface (HPNA chip) as an indication that a next received frame will be the voice packet (data frame), thereby maintaining synchronization between the control frame and the data frame pairs (See Fig. 17, Col. 8, lines 3-7).

Holloway et al. teach substantially all the claimed invention but did not disclose expressly the HPNA interface is on a HPNA chip in integrated form.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to integrate HPNA interface (46b) functions into a single chip integral form to perform the same functions which is merely a matter of obvious engineering choice since it has been held by In re Larson, 340 F.2d 965, 968. 144 USPQ 347, 349 (CCPA 1965).

#### ***Allowable Subject Matter***

4. Claims 2-7 and 9-14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and if no art rejection can be applied.

5. Claims 15-25 are allowed.

#### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

Art Unit: 2663

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Chang whose telephone number is (571) 272-3129. The examiner can normally be reached on Monday - Friday from 8 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Ngo can be reached on (571) 272-3139. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



rkc

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